

October 12, 2011



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 15364

EXPIRATION DATE: August 31, 2013

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Winco Fireworks International, LLC
Lone Jack, MO
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the one-way transportation in commerce of Division 1.4G fireworks in non-DOT specification fiberboard non-bulk outer packagings under the terms and conditions contained within when transported by private motor carrier or contract motor carrier. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that the requirement to mark the special permit number on the outside of the package is waived and 173.62(c), Packaging Instruction 135 in that a non-DOT specification package is not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Winco Fireworks International, LLC dated May 12, 2011 submitted in accordance with § 107.105 and the public proceeding thereon.

October 12, 20116. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Fireworks	1.4G	UN0336	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Division 1.4G fireworks must be packaged in a rigid double walled fiberboard box that is closed and sealed to prevent loss of contents. The gross weight of any package shall not exceed 30 kilograms (66 pounds). Incompletely filled outer packagings must contain sufficient cushioning material so as to prevent any movement within the package during transport.

b. OPERATIONAL CONTROLS -

(1) All packaging, marking, and labeling of the consumer fireworks at retail outlets for return to Winco Fireworks International, LLC must be performed by Winco Fireworks International, LLC employees. Winco Fireworks International, LLC employees must prepare all shipping documents.

(2) No unpackaged or loose consumer fireworks or consumer fireworks in launching tubes or devices may be shipped under the terms of this special permit.

(3) This special permit only authorizes the one-time transportation of the packagings described in paragraph 7a above from retail outlets to Winco Fireworks International, LLC warehouses.

(4) Transportation must be by private carrier or contract motor carrier under exclusive use of the shipper within 600 miles radius of the Winco Fireworks International, LLC warehouse where the fireworks will be delivered.

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(5) No other hazardous material may be on the motor vehicle.

(6) The driver of the transport vehicle must be instructed that if the vehicle is in an accident involving spilled fuel or fire, the vehicle must be moved to a safe location unless moving the vehicle would directly endanger others.

8. SPECIAL PROVISIONS:

a. This special permit is only valid for transport of Division 1.4G fireworks which have been previously approved by the Associate Administrator for Hazardous Materials Safety.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. The marking requirements of § 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LAVALLE